

House File 2459

S-5157

1 Amend House File 2459, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS

7 Section 1. 2015 Iowa Acts, chapter 138, section 3,  
8 is amended by adding the following new subsection:

9 NEW SUBSECTION. 4. For the peace officers'  
10 retirement, accident, and disability system retirement  
11 fund under section 97A.11A:

12 ..... \$ 2,500,000

13 Sec. 2. 2015 Iowa Acts, chapter 138, is amended by  
14 adding the following new section:

15 NEW SECTION. SEC. 5A. GENERAL ASSEMBLY.

16 1. The appropriations made pursuant to section  
17 2.12 for the expenses of the general assembly and  
18 legislative agencies for the fiscal year beginning July  
19 1, 2016, and ending June 30, 2017, are reduced by the  
20 following amount:

21 ..... \$ 5,400,000

22 2. The budgeted amounts for the general assembly  
23 and legislative agencies for the fiscal year beginning  
24 July 1, 2016, may be adjusted to reflect the unexpended  
25 budgeted amounts from the previous fiscal year.

26 Sec. 3. 2015 Iowa Acts, chapter 138, is amended by  
27 adding the following new section:

28 NEW SECTION. SEC. 7A. Section 257.35, Code 2016,  
29 is amended by adding the following new subsection:

30 NEW SUBSECTION. 10A. Notwithstanding subsection 1,  
31 and in addition to the reduction applicable pursuant  
32 to subsection 2, the state aid for area education  
33 agencies and the portion of the combined district cost  
34 calculated for these agencies for the fiscal year  
35 beginning July 1, 2016, and ending June 30, 2017,

1 shall be reduced by the department of management by  
2 eighteen million seven hundred fifty thousand dollars.  
3 The reduction for each area education agency shall  
4 be prorated based on the reduction that the agency  
5 received in the fiscal year beginning July 1, 2003.

6 Sec. 4. Section 2.48, subsection 3, Code 2016, is  
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. *Of.* In 2016:

9 (1) The homestead tax credit under chapter 425.

10 (2) The elderly and disabled property tax credit  
11 under chapter 425.

12 (3) The agricultural land tax credit under chapter  
13 426.

14 (4) The military service tax credit under chapter  
15 426A.

16 (5) The business property tax credit under chapter  
17 426C.

18 (6) The commercial and industrial property tax  
19 replacement claims under section 441.21A.

20 Sec. 5. Section 230.8, Code 2016, is amended to  
21 read as follows:

22 **230.8 Transfers of persons with mental illness —**  
23 **expenses.**

24 The transfer to any state hospitals or to the places  
25 of their residence of persons with mental illness who  
26 have no residence in this state or whose residence is  
27 unknown and deemed to be a state case, shall be made  
28 according to the directions of the administrator,  
29 and when practicable by employees of the state  
30 hospitals. The actual and necessary expenses of such  
31 transfers shall be paid by the department on itemized  
32 vouchers sworn to by the claimants and approved by  
33 the administrator, ~~and the amount of the expenses is~~  
34 ~~appropriated to the department from any funds in the~~  
35 ~~state treasury not otherwise appropriated.~~

1     Sec. 6. Section 820.24, Code 2016, is amended to  
2 read as follows:

3     **820.24 Expenses — how paid.**

4     When the punishment of the crime shall be the  
5 confinement of the criminal in the penitentiary, the  
6 expenses shall be paid ~~out of the state treasury, on~~  
7 ~~the certificate of the governor and warrant of the~~  
8 ~~director of the department of administrative services~~  
9 by the department of corrections; and in all other  
10 cases they shall be paid out of the county treasury in  
11 the county wherein the crime is alleged to have been  
12 committed. The expenses shall be the fees paid to the  
13 officers of the state on whose governor the requisition  
14 is made, and all necessary and actual traveling  
15 expenses incurred in returning the prisoner.

16                     DIVISION II

17                     MISCELLANEOUS PROVISIONS

18     Sec. 7. FRIENDSHIP AND LEADERSHIP  
19 DEVELOPMENT. There is appropriated from the general  
20 fund of the state to the department of education for  
21 the fiscal year beginning July 1, 2016, and ending June  
22 30, 2017, the following amount, or so much thereof as  
23 is necessary, to be used for the purposes designated:

24     To provide a grant to a nonprofit organization with  
25 a mission of promoting the education-based inclusion of  
26 people with intellectual and developmental disabilities  
27 through one-to-one friendships and leadership  
28 development through school-based programs:

29 ..... \$       50,000

30     Sec. 8. EQUAL PAY TASK FORCE — REPORT. The  
31 legislative council is requested to create an equal pay  
32 task force consisting of seven members. The task force  
33 shall consist of two members of the senate appointed by  
34 the majority leader of the senate, one member of the  
35 senate appointed by the minority leader of the senate,

1 two members of the house of representatives appointed  
2 by the speaker of the house of representatives, one  
3 member of the house of representatives appointed by the  
4 minority leader of the house of representatives, and  
5 the labor commissioner. The task force shall study  
6 wage discrepancies between men and women both in public  
7 and private employment. The task force shall submit  
8 a report regarding its findings and recommendations  
9 regarding potential actions for the elimination and  
10 prevention of the wage disparities between men and  
11 women to the governor and the general assembly not  
12 later than December 22, 2017. The legislative services  
13 agency shall provide staffing services to the task  
14 force.

15     Sec. 9. INCOME TAX CHECKOFFS. Notwithstanding  
16 Code section 422.12E which provides for the repeal  
17 of certain income tax return checkoffs when the same  
18 four checkoffs have been provided on the income tax  
19 return for two consecutive years, the four income tax  
20 return checkoffs provided in sections 422.12D, 422.12H,  
21 422.12K, and 422.12L, Code 2016, as appearing on the  
22 2015 individual income tax return, shall be allowed for  
23 the tax year beginning January 1, 2016, and shall be  
24 provided on the 2016 individual income tax return.

25     Sec. 10. SALARY MODEL ADMINISTRATOR. The salary  
26 model administrator shall work in conjunction with  
27 the legislative services agency to maintain the  
28 state's salary model used for analyzing, comparing,  
29 and projecting state employee salary and benefit  
30 information, including information relating to  
31 employees of the state board of regents. The  
32 department of revenue, the department of administrative  
33 services, the five institutions under the jurisdiction  
34 of the state board of regents, the judicial district  
35 departments of correctional services, and the state

1 department of transportation shall provide salary data  
2 to the department of management and the legislative  
3 services agency to operate the state's salary  
4 model. The format and frequency of provision of the  
5 salary data shall be determined by the department of  
6 management and the legislative services agency. The  
7 information shall be used in collective bargaining  
8 processes under chapter 20 and in calculating the  
9 funding needs contained within the annual salary  
10 adjustment legislation. A state employee organization  
11 as defined in section 20.3, subsection 4, may request  
12 information produced by the model, but the information  
13 provided shall not contain information attributable to  
14 individual employees.

15 Sec. 11. Section 24.32, Code 2016, is amended to  
16 read as follows:

17 **24.32 Decision certified.**

18 After a hearing upon the appeal, the state board  
19 shall certify its decision to the county auditor and  
20 to the parties to the appeal as provided by rule, and  
21 the decision shall be final. The county auditor shall  
22 make up the records in accordance with the decision and  
23 the levying board shall make its levy in accordance  
24 with the decision. Upon receipt of the decision, the  
25 certifying board shall correct its records accordingly,  
26 if necessary. Final disposition of all appeals shall  
27 be made by the state board ~~on or before April 30 of~~  
28 ~~each year~~ within forty-five days after the date of the  
29 appeal hearing.

30 Sec. 12. NEW SECTION. **135.37A Natural hair**  
31 **braiding.**

32 1. A person shall register with the department in  
33 order to perform a commercial service involving natural  
34 hair braiding. For purposes of this section, "*natural*  
35 *hair braiding*" means a method of natural hair care

1 consisting of braiding, locking, twisting, weaving,  
2 cornrowing, or otherwise physically manipulating  
3 hair without the use of chemicals to alter the hair's  
4 physical characteristics that incorporates both  
5 traditional and modern styling techniques.

6 2. The department shall adopt rules pursuant  
7 to chapter 17A to administer this section. Such  
8 rules shall include but not be limited to all of the  
9 following:

10 a. Establishing minimum safety and sanitation  
11 criteria for the provision of natural hair braiding.

12 b. Requiring a person performing natural hair  
13 braiding to complete one hour per calendar year of  
14 continuing education regarding minimum safety and  
15 sanitation criteria for the provision of natural hair  
16 braiding.

17 c. Authorizing the department to inspect a location  
18 where a person performs natural hair braiding upon  
19 receipt of a complaint to the department about that  
20 person or location.

21 3. If the department determines that a person is  
22 in violation of a requirement under this section, the  
23 department may order the person to cease performing  
24 natural hair braiding until the necessary corrective  
25 action has been taken.

26 Sec. 13. Section 256.7, subsection 32, paragraph c,  
27 unnumbered paragraph 1, Code 2016, is amended to read  
28 as follows:

29 Adopt rules that limit the statewide enrollment of  
30 pupils in educational instruction and course content  
31 that are delivered primarily over the internet to not  
32 more than eighteen one-hundredths of one percent of  
33 the statewide enrollment of all pupils, and that limit  
34 the number of pupils participating in open enrollment  
35 for purposes of receiving educational instruction

1 and course content that are delivered primarily over  
2 the internet to no more than one percent of a sending  
3 district's enrollment. ~~Until June 30, 2018, such~~ Such  
4 limitations shall not apply if the limitations would  
5 prevent siblings from enrolling in the same school  
6 district or if a sending district determines that  
7 the educational needs of a physically or emotionally  
8 fragile student would be best served by educational  
9 instruction and course content that are delivered  
10 primarily over the internet. Students who meet the  
11 requirements of section 282.18 may participate in open  
12 enrollment under this paragraph "c" for purposes of  
13 enrolling only in the CAM community school district or  
14 the Clayton Ridge community school district.

15 Sec. 14. Section 256.7, subsection 32, paragraph  
16 c, Code 2016, is amended by adding the following new  
17 subparagraph:

18 NEW SUBPARAGRAPH. (6) This paragraph "c" is  
19 repealed July 1, 2018.

20 Sec. 15. Section 364.3, Code 2016, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 11. A city, including any city  
23 officer, shall not adopt or enforce any ordinance,  
24 resolution, or other policy restricting the mayor from  
25 communicating with the city attorney or solicitor  
26 regarding any matter within the scope of the mayor's  
27 powers and duties as chief executive officer of the  
28 city, presiding officer of the council, or supervisor  
29 over city officers and departments.

30 Sec. 16. Section 418.12, subsection 5, Code 2016,  
31 is amended to read as follows:

32 5. If the department of revenue determines that  
33 the revenue accruing to the fund or accounts within  
34 the fund exceeds thirty million dollars for a fiscal  
35 year or exceeds the amount necessary for the purposes

1 of this chapter if the amount necessary is less than  
2 thirty million dollars for a fiscal year, then those  
3 excess moneys shall be credited by the department of  
4 revenue for deposit in the general fund of the state.

5 Sec. 17. Section 915.25, subsection 3, as enacted  
6 by 2016 Iowa Acts, Senate File 2288, section 16, is  
7 amended to read as follows:

8 3. Notwithstanding the provisions of sections  
9 232.147, 232.149, and 232.149A, an intake or juvenile  
10 court officer shall disclose to the alleged victim  
11 of a delinquent act, upon the request of the victim,  
12 the complaint, the name and address of the child  
13 who allegedly committed the delinquent act, and  
14 the disposition of the complaint. If the alleged  
15 delinquent act would be a ~~forcible felony~~ serious  
16 misdemeanor, aggravated misdemeanor, or felony offense  
17 if committed by an adult, the intake or juvenile court  
18 officer shall provide notification to the victim of the  
19 delinquent act as required by section 915.24.

20 Sec. 18. 2016 Iowa Acts, Senate File 2314, section  
21 22, if enacted, is amended to read as follows:

22 SEC. 59. SECRETARY OF STATE. There is appropriated  
23 from the general fund of the state to the office of  
24 the secretary of state for the fiscal year beginning  
25 July 1, 2016, and ending June 30, 2017, the following  
26 amounts, or so much thereof as is necessary, to be used  
27 for the purposes designated:

28 1. ADMINISTRATION AND ELECTIONS

29 For salaries, support, maintenance, and  
30 miscellaneous purposes, and for not more than the  
31 following full-time equivalent positions:

32 .....	\$	1,440,890
33 .....	FTEs	<del>13.10</del>
34		<u>15.60</u>

35 The state department or state agency which provides



1 data processing services to support voter registration  
2 file maintenance and storage shall provide those  
3 services without charge.

4 2. BUSINESS SERVICES

5 For salaries, support, maintenance, and  
6 miscellaneous purposes, and for not more than the  
7 following full-time equivalent positions:

8 .....	\$	1,440,891
9 .....	FTEs	<del>13.10</del>
10		<u>15.60</u>

11 DIVISION III

12 FLOOD MITIGATION PROGRAM

13 Sec. 19. Section 418.15, subsection 1, Code 2016,  
14 is amended to read as follows:

15 1. a. A governmental entity shall not receive  
16 remittances of sales tax revenue under [this chapter](#)  
17 after twenty years from the date the governmental  
18 entity's project was approved by the board or after  
19 expiration of the additional period of years if  
20 approved under paragraph "b" unless the remittance  
21 amount is calculated under [section 418.11](#) based on  
22 sales subject to the tax under [section 432.2](#) occurring  
23 before the expiration of the twenty-year period  
24 or expiration of the additional period of years if  
25 approved under paragraph "b".

26 b. The twenty-year period for receiving remittances  
27 of sales tax revenue under [this chapter](#) may be extended  
28 upon application by the governmental entity and  
29 approval by the board. An application for an extension  
30 of the twenty-year period must be filed by the  
31 governmental entity with the board prior to expiration  
32 of the twenty-year period. The board may approve the  
33 governmental entity to receive remittances of sales tax  
34 revenue under this chapter for an additional period of  
35 consecutive years beyond the twenty-year period if all

1 of the following are satisfied:

2     (1) The total amount of remittances actually  
3 received by the governmental entity during the  
4 twenty-year period are less than the total amount of  
5 remittances for which the governmental entity was  
6 approved to receive by the board at the time of the  
7 project's approval under section 418.9, subsection  
8 4, and reduced under section 418.9, subsection 8,  
9 or section 418.12, subsection 6, paragraph "b", if  
10 applicable.

11     (2) The amount of the remittances approved in  
12 each additional year does not exceed fifteen million  
13 dollars or seventy percent of the total yearly amount  
14 of increased sales tax increment revenue in the  
15 governmental entity's applicable area and deposited in  
16 the governmental entity's account, whichever is less.

17     (3) The total amount of remittances in any such  
18 additional fiscal year for all governmental entities  
19 approved to use sales tax revenues under this chapter  
20 does not exceed, in the aggregate, thirty million  
21 dollars.

22     (4) The total amount of remittances to the  
23 governmental entity approved by the board for all  
24 additional years does not exceed the difference between  
25 the total amount of remittances actually received  
26 by the governmental entity during the twenty-year  
27 period and the total amount of remittances for which  
28 the governmental entity was approved to receive by  
29 the board at the time of the project's approval under  
30 section 418.9, subsection 4, and reduced under section  
31 418.9, subsection 8, or section 418.12, subsection 6,  
32 paragraph "b", if applicable.

33                     DIVISION IV

34                     CORRECTIVE PROVISIONS

35     Sec. 20.   Section 29C.24, subsection 3, paragraph

1 a, subparagraphs (3) and (6), if enacted by 2016 Iowa  
2 Acts, Senate File 2306, section 2, are amended to read  
3 as follows:

4 (3) The imposition of income taxes under chapter  
5 422, divisions II and III, including the requirement  
6 to file tax returns under sections 422.13 through  
7 422.15 or section 422.36, as applicable, and  
8 including the requirement to withhold and remit  
9 income tax from out-of-state employees under section  
10 422.16. In addition, the performance of disaster or  
11 emergency-related work during a disaster response  
12 period by an out-of-state business or out-of-state  
13 employee shall not require an out-of-state business  
14 to be included in a consolidated return under section  
15 422.37, and shall not increase the amount of net income  
16 of the out-of-state business allocated and apportioned  
17 to the state under ~~sections~~ section 422.8 or 422.33, as  
18 applicable.

19 (6) The assessment of property taxes by the  
20 department of revenue under sections 428.24 through  
21 428.26, 428.28, and 428.29, or chapters 433, 434,  
22 435, and 437 through 438, or by a local assessor  
23 under another provision of law, on property brought  
24 into the state to aid in the performance of disaster  
25 or emergency-related work during a disaster response  
26 period if such property does not remain in the state  
27 after the conclusion of the disaster response period.

28 Sec. 21. Section 29C.24, subsection 4, if enacted  
29 by 2016 Iowa Acts, Senate File 2306, section 2, is  
30 amended to read as follows:

31 4. *Business and employee status after a disaster*  
32 *response period.* An out-of-state business or  
33 out-of-state employee that remains in the state after  
34 the conclusion of the disaster response period ~~for~~  
35 during which the disaster or emergency-related work

1 was performed shall be fully subject to the state's  
2 standards for establishing presence, residency, or  
3 doing business as otherwise provided by law, and  
4 shall be responsible for any resulting taxes, fees,  
5 licensing, registration, filing, or other requirements.

6 Sec. 22. Section 155A.13, subsection 3, paragraph  
7 d, if enacted by 2016 Iowa Acts, Senate File 453,  
8 section 3, is amended to read as follows:

9 d. An applicant seeking a special or limited-use  
10 pharmacy ~~licensed~~ license for a proposed telepharmacy  
11 site that does not meet the mileage requirement  
12 established in paragraph "c" and is not statutorily  
13 exempt from the mileage requirement may apply to the  
14 board for a waiver of the mileage requirement. A  
15 waiver request shall only be granted if the applicant  
16 can demonstrate to the board that the proposed  
17 telepharmacy site is located in an area where there is  
18 limited access to pharmacy services and can establish  
19 the existence of compelling circumstances that justify  
20 waiving the mileage requirement. The board's decision  
21 to grant or deny a waiver request shall be a proposed  
22 decision subject to mandatory review by the director  
23 ~~of the department~~ of public health. The director  
24 shall review a proposed decision and shall have the  
25 power to approve, modify, or veto a proposed decision.  
26 The director's decision on a waiver request shall be  
27 considered final agency action subject to judicial  
28 review under chapter 17A.

29 Sec. 23. Section 229.13, subsection 7, paragraph a,  
30 subparagraph (1), if enacted by 2016 Iowa Acts, Senate  
31 File 2259, section 1, is amended to read as follows:

32 (1) The respondent's mental health professional  
33 acting within the scope of the mental health  
34 professional's practice shall notify the committing  
35 court, with preference given to the committing judge,

1 if available, in the appropriate county ~~who~~ and the  
2 court shall enter a written order directing that  
3 the respondent be taken into immediate custody by  
4 the appropriate sheriff or sheriff's deputy. The  
5 appropriate sheriff or sheriff's deputy shall exercise  
6 all due diligence in taking the respondent into  
7 protective custody to a hospital or other suitable  
8 facility.

9 Sec. 24. Section 272.25, subsection 3, Code 2016,  
10 as amended by 2016 Iowa Acts, Senate File 2196, section  
11 3, is amended to read as follows:

12 3. A requirement that the program include  
13 instruction in skills and strategies to be used in  
14 classroom management of individuals, and of small and  
15 large groups, under varying conditions; skills for  
16 communicating and working constructively with pupils,  
17 teachers, administrators, and parents; preparation in  
18 reading theory, knowledge, strategies, and approaches,  
19 and for integrating literacy instruction ~~in~~ into  
20 content areas in accordance with section 256.16; and  
21 skills for understanding the role of the board of  
22 education and the functions of other education agencies  
23 in the state. The requirement shall be based upon  
24 recommendations of the department of education after  
25 consultation with teacher education faculty members in  
26 colleges and universities.

27 Sec. 25. Section 598C.102, subsection 8, paragraph  
28 b, if enacted by 2016 Iowa Acts, Senate File 2233,  
29 section 2, is amended to read as follows:

30 b. An individual who has custodial responsibility  
31 for a child under a law of this state other than this  
32 chapter.

33 Sec. 26. 2016 Iowa Acts, House File 2269, section  
34 20, subsection 1, is amended to read as follows:

35 1. It is amended, rescinded, or supplemented by the

1 affirmative action of the executive ~~council~~ committee  
2 of the Iowa beef cattle producers association created  
3 in section 181.3, as amended in this Act.

4 Sec. 27. 2016 Iowa Acts, Senate File 378, section  
5 2, is amended to read as follows:

6 SEC. 2. REPEAL. Section 80.37, Code ~~2015~~ 2016, is  
7 repealed.

8 Sec. 28. 2016 Iowa Acts, Senate File 2185, section  
9 2, if enacted, is amended by striking the section and  
10 inserting in lieu thereof the following:

11 SEC. 2. Section 709.21, subsection 3, Code 2016, is  
12 amended to read as follows:

13 3. A person who violates this section commits a  
14 ~~serious~~ an aggravated misdemeanor.

15 DIVISION V

16 FOOD DONATION ON STATE CAPITOL PREMISES

17 Sec. 29. NEW SECTION. 2.43A Food served on state  
18 capitol premises.

19 1. As used in this section, unless the context  
20 otherwise requires:

21 *a. "Apparently wholesome food"* means food that meets  
22 all quality and labeling standards or requirements  
23 adopted by the federal and state governments, and the  
24 city of Des Moines, even though the food may not be  
25 readily marketable due to appearance, age, freshness,  
26 grade, size, surplus, or other conditions.

27 *b. "Emergency feeding organization"* means the same  
28 as defined in section 190B.201.

29 *c. "Food bank"* means the same as defined in section  
30 190B.201.

31 2. The secretary of the senate and the chief clerk  
32 of the house of representatives shall require any  
33 person who is approved to sponsor an event within  
34 or on the grounds of the state capitol during which  
35 the person offers food to all members of the general

1 assembly during a legislative session to offer to  
2 donate any unconsumed apparently wholesome food to a  
3 food bank, homeless shelter, homeless outreach program,  
4 or an emergency feeding organization. The legislative  
5 council may also require any person who is approved by  
6 the legislative council to sponsor an event within or  
7 on the grounds of the state capitol during which the  
8 person provides food to offer to donate any unconsumed  
9 apparently wholesome food to a food bank, homeless  
10 shelter, homeless outreach program, or emergency  
11 feeding organization.

12 DIVISION VI

13 FOOD DONATION PROGRAMS

14 Sec. 30. Section 190B.101, Code 2016, is amended to  
15 read as follows:

16 190B.101 Definitions.

17 As used in [this chapter subchapter](#), unless the  
18 context otherwise requires:

19 1. "*Department*" means the department of revenue.

20 2. "*Tax credit*" means the from farm to food  
21 donation tax credit as established in ~~this chapter~~  
22 subchapter.

23 Sec. 31. NEW SECTION. 190B.201 Definitions.

24 As used in this subchapter, unless the context  
25 otherwise requires:

26 1. "*Department*" means the department of agriculture  
27 and land stewardship.

28 2. "*Eligible agricultural product*" or "*product*"  
29 means any commodity that is derived from an  
30 agricultural animal or crop, both as defined in section  
31 717A.1, which is intended for human consumption as food  
32 in its raw or processed state.

33 3. "*Emergency feeding organization*" means an  
34 emergency feeding organization as defined in section  
35 7 U.S.C. §7501 that serves Iowans and operates at a

1 congregate nutritional site.

2 4. "*Food*" means a substance which is used in whole  
3 or in part for human consumption in compliance with  
4 federal and state standards or requirements, including  
5 a donated food that meets the requirements of the  
6 federal emergency food assistance program, as provided  
7 in 7 C.F.R. pts. 250 and 251.

8 5. "*Food bank*" means a private nonprofit entity  
9 that serves Iowans and meets all of the following  
10 requirements:

11 a. The food bank is organized under chapter 504.

12 b. The food bank qualifies under section 501(c)(3)  
13 of the Internal Revenue Code as an organization exempt  
14 from federal income tax under section 501(a) of the  
15 Internal Revenue Code.

16 c. The food bank maintains an established operation  
17 involving the provision of food or edible commodities  
18 or the products thereof on a regular basis to persons  
19 in need or to food pantries, soup kitchens, hunger  
20 relief centers, or other food or feeding centers that,  
21 as an integral part of their normal activities, provide  
22 meals or food on a regular basis to persons in need.

23 6. "*Iowa food bank association*" or "*association*"  
24 means a private nonprofit entity that meets all of the  
25 following requirements:

26 a. The association is organized under chapter 504.

27 b. The association qualifies under section  
28 501(c)(3) of the Internal Revenue Code as an  
29 organization exempt from federal income tax under  
30 section 501(a) of the Internal Revenue Code.

31 c. The association's members include food banks,  
32 or affiliations of food banks, that together serve all  
33 counties in this state.

34 d. The association's principal office is located in  
35 this state.



1     Sec. 32. NEW SECTION. 190B.202 Administration —  
2 use of moneys and oversight.

3     1. This subchapter shall be administered by the  
4 department of agriculture and land stewardship. In  
5 adopting rules and administering the Iowa agricultural  
6 products clearance program established under section  
7 190B.204, the department shall cooperate with the  
8 department of human services and the department of  
9 inspections and appeals.

10    2. A program established in this subchapter shall  
11 be managed by an Iowa food bank association selected by  
12 the department. The association shall report to the  
13 department as required by the department.

14    3. A program established in this subchapter shall  
15 be carried out only to the extent that moneys are  
16 available to support the program. The department may  
17 support a program from moneys appropriated by the  
18 general assembly to fund the program's purpose and any  
19 other moneys available to and obtained or accepted by  
20 the department from the federal government or private  
21 sources.

22    Sec. 33. NEW SECTION. 190B.203 Management of  
23 programs — Iowa food bank association.

24    1. The department shall enter into a contract  
25 with an Iowa food bank association to manage programs  
26 established under this subchapter.

27    2. In managing a program, the association shall do  
28 all of the following:

29     a. Acquire eligible agricultural products,  
30 including by purchase.

31     b. Arrange for the processing and packaging of  
32 eligible agricultural products into food, when such  
33 processing is necessary to comply with federal and  
34 state food safety regulations.

35     c. Provide for the storage and transportation of

1 eligible agricultural products.

2     d. Provide for the distribution of eligible  
3 agricultural products.

4     3. In managing a program, the association  
5 shall to every extent feasible create and expand  
6 significant economic benefits in local communities.  
7 The association shall purchase products and services  
8 from individuals and businesses located in this state  
9 whenever the price is reasonably competitive and the  
10 quality as intended.

11     Sec. 34. NEW SECTION. **190B.204 Iowa agricultural**  
12 **products clearance program — establishment and purpose.**

13     1. The department shall establish an Iowa  
14 agricultural products clearance program to be managed  
15 by an Iowa food bank association selected by the  
16 department as provided in section 190B.203.

17     2. The purpose of the program is to acquire surplus  
18 eligible agricultural products from agricultural  
19 producers and other persons in order to prevent  
20 unnecessary waste, reduce economic losses associated  
21 with paying for the processing and transportation of  
22 such products that otherwise do not have profitable  
23 markets, and to provide nutritional food to low-income  
24 families and individuals who reside in this state and  
25 to unemployed families and individuals who reside in  
26 this state.

27     3. The Iowa food bank association managing the  
28 program shall only distribute eligible agricultural  
29 products under the program to Iowa food banks in this  
30 state and emergency feeding organizations in this  
31 state.

32     Sec. 35. NEW SECTION. **190B.205 Iowa emergency food**  
33 **purchase program — establishment and purpose.**

34     1. The department shall establish an Iowa emergency  
35 food purchase program to be managed by an Iowa food

1 bank association selected by the department as provided  
2 in section 190B.203.

3 2. The purpose of the program is to relieve  
4 situations of emergency experienced by families  
5 or individuals who reside in this state, including  
6 low-income families and individuals and unemployed  
7 families and individuals, by distributing food to those  
8 persons.

9 3. The Iowa food bank association managing the  
10 program shall only distribute food under the program to  
11 emergency feeding organizations in this state.

12 Sec. 36. FOOD DONATION PROGRAMS. There is  
13 appropriated from the general fund of the state to the  
14 department of agriculture and land stewardship for the  
15 fiscal year beginning July 1, 2016, and ending June 30,  
16 2017, the following amounts, or so much thereof as is  
17 necessary, to be used for the purposes designated:

18 For purposes of supporting the Iowa emergency food  
19 purchase program provided in chapter 190B, subchapter  
20 II, as enacted in this Act:

21 ..... \$ 250,000

22 The moneys appropriated in this section shall be  
23 allocated to support the Iowa emergency food purchase  
24 program only to the extent that the allocated moneys  
25 are matched on a dollar-for-dollar basis.

26 DIVISION VII

27 GARDENING PROGRAM

28 Sec. 37. NEW SECTION. 904.302A Gardening program.

29 1. The director shall establish a gardening program  
30 for growing and harvesting produce, including edible  
31 vegetables, at each correctional facility operated  
32 by the department, to the extent that the director  
33 determines that security and space requirements allow  
34 for the garden's creation and operation. The director  
35 may appoint the farm operations administrator to

1 oversee the program. A garden established pursuant  
2 to the program shall be tended by inmates of the  
3 correctional facility as determined by the director.  
4 The produce harvested from the garden may be used to  
5 feed the correctional facility's population or may be  
6 donated to a food bank as defined in section 190B.201  
7 designated by the director. The food bank must be  
8 located in proximity to the correctional facility where  
9 the garden is situated. Any excess produce that is  
10 not used to feed the correctional facility's inmate  
11 population shall be donated to the designated food  
12 bank.

13 2. a. This section does not authorize the  
14 department or an inmate of a correctional facility  
15 to claim a from farm to food donation tax credit as  
16 established in chapter 190B, subchapter I.

17 b. This section does not apply to a garden operated  
18 by Iowa state industries as defined in section 904.802.

19 DIVISION VIII

20 SOLAR TAX CREDIT

21 Sec. 38. Section 422.11L, Code 2016, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 6. For purposes of this section,  
24 "*Internal Revenue Code*" means the Internal Revenue Code  
25 of 1954, prior to the date of its redesignation as the  
26 Internal Revenue Code of 1986 by the Tax Reform Act of  
27 1986, or means the Internal Revenue Code of 1986 as  
28 amended to and including January 1, 2016.

29 Sec. 39. RETROACTIVE APPLICABILITY. The following  
30 provision or provisions of this division of this Act  
31 apply retroactively to January 1, 2015, for tax years  
32 beginning on or after that date:

33 1. The section of this division of this Act  
34 enacting section 422.11L, subsection 6.>

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COMMITTEE ON APPROPRIATIONS  
ROBERT E. DVORSKY, CHAIRPERSON